

**Notice of Allowability**

Application No.

09/586,625

Applicant(s)

BARBAS ET AL.

Examiner

Shulamith H. Shafer, Ph.D.

Art Unit

1647

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/29/07.
2. ☒ The allowed claim(s) is/are 1-3, 5, 6, 8, 10-35, 37-39, 41, 42, 46, 69-89, 94, 95, now renumbered 1-61.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date <u>8/29/07</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                  | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|   | 9. <input type="checkbox"/> Other _____.   |

### **Detailed Action**

#### ***Status of Application, Amendments, And/Or Claims***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 29 August 2007 has been entered.

#### ***Information Disclosure Statement:***

The Information Disclosure statements (IDS) submitted on the 29 August 2007, has been considered. Signed copy is attached.

No reference in the IDS impacts on patentability of the instant application.

The Examiner's Amendment is of record (See Office Action of 31 May 2007).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shulamith H. Shafer, Ph.D. whose telephone number is 571-272-3332. The examiner can normally be reached on Monday through Friday, 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Manjunath Rao, Ph.D. can be reached on 571-272-0939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SHS

A handwritten signature in black ink, reading "Lorraine Spector". The signature is fluid and cursive, with a large initial "L" and a long, sweeping underline.

**LORRAINE SPECTOR  
PRIMARY EXAMINER**

NRD 8/29/07

Applicant : Carlos F. Barbas III et al.  
 Serial No. : 09/586,625  
 Filed : June 2, 2000  
 Page : 2 of 2

Attorney's Docket No.: 17083-003002 / 1227B

09/433,042. Three documents that were made of record in the instant application in the Information Disclosure Statement filed June 27, 2003 are cited.

The table below lists Documents I and II and includes a column that provides a space next to the document to be considered, for the Examiner's initials.

Examiner Initial	Document No.	Document
/SHS/	I	Copy of Office Action issued by the USPTO on December 12, 2006 in connection with related U.S. Application Serial No. 10/422,934
/SHS/	II	Copy of Israeli Office Action, issued April 16, 2007, in connection with corresponding Israeli Patent Application No. 149142

Although these documents and applications are made known to the Patent and Trademark Office in compliance with Applicant's duty of disclosure, such disclosure is not to be construed as an admission by Applicant or Applicant's representative that any of the information, singly or in any combination thereof, is effective as prior art against the subject application. In accordance with 37 C.F.R. §1.97 (g) and (h), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. §1.56 (b) exists.

Applicant respectfully requests that the Examiner review the foregoing documents and make them of record in the file history of the above-captioned application.

Respectfully submitted,

Stephanie Seidman  
 Reg. No. 33,779

Attorney Docket No. 17083-003002/1227B  
 Address all correspondence to:  
 Stephanie L. Seidman  
 Fish & Richardson P.C.  
 12390 El Camino Real  
 San Diego, California 92130  
 Telephone: (858) 678-5070  
 Facsimile: (202) 626-7796  
 email: seidman@fr.com

Shulamith H.  
 Shafer

Digitally signed by Shulamith H. Shafer  
 DN: cn=Shulamith H. Shafer, c=US,  
 o=USPTO, ou=AU 1647, email=shulamith.  
 shafer@uspto.gov  
 Date: 2007.09.17 07:46:35 -04'00'

09/17/2007

MRD 9/12/07

Applicant : Carlos F. Barbas III et al.  
Serial No. : 09/586,625  
Filed : June 2, 2000

Attorney's Docket No.: 17083-003002 / 1227B

Also provided is a copy of an Office Action (Document I), issued by the USPTO on September 6, 2007, in connection with U.S. Application Serial No. 10/422,934, which is a continuation of the instant application. One document was cited in the Office Action which is being made of record in this Information Disclosure Statement.

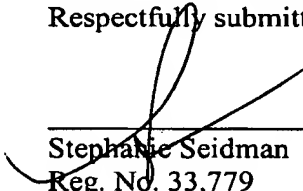
The table below lists Document I and includes a column that provides a space next to the document to be considered, for the Examiner's initials.

Examiner Initial	Document No.	Document
/SHS/	I	Copy of Office Action issued by the USPTO on September 6, 2007 in connection with U.S. Application Serial No. 10/422,934

Although these documents are made known to the Patent and Trademark Office in compliance with Applicant's duty of disclosure, such disclosure is not to be construed as an admission by Applicant or Applicant's representative that any of the information, singly or in any combination thereof, is effective as prior art against the subject application. In accordance with 37 C.F.R. §1.97 (g) and (h), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. §1.56 (b) exists.

Applicant respectfully requests that the Examiner review the foregoing documents and make them of record in the file history of the above-captioned application.

Respectfully submitted,

  
Stephanie Seidman  
Reg. No. 33,779

Attorney Docket No. 17083-003002 / 1227B

**Address all correspondence to:**

Stephanie Seidman  
Fish & Richardson P.C.  
12390 El Camino Real  
San Diego, California 92130  
Telephone: (858) 678-4777  
Facsimile: (202) 626-7796  
email: seidman@fr.com

Shulamith H.  
Shafer

Digitally signed by Shulamith H. Shafer  
DN: cn=Shulamith H. Shafer, c=US,  
o=USPTO, ou=AU 1647,  
email=shulamith.shafer@uspto.gov  
Date: 2007.09.19 12:09:26 -0400

09/19/2007